

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANNY ARTHUR RANES,

Petitioner,

Case Nos. 1:92-cv-701, 702, 703 & 704

v.

HON. JANET T. NEFF

WILLIAM OVERTON,

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY

Petitioner, a prisoner incarcerated at the Lakeland Correctional Facility, filed several applications for habeas corpus relief pursuant to 28 U.S.C. § 2254. The consolidated cases were closed on October 1, 1999; dismissed by the Sixth Circuit Court of Appeals on February 22, 2000; and denied a writ of certiorari by the United States Supreme Court on December 4, 2000. After over three years of inactivity in these cases, Petitioner filed a Motion for Relief from Judgment and Motion for Appointment of Counsel. The cases were reassigned to the undersigned pursuant to Administrative Order 09-019. On December 26, 2012, this Court denied Petitioner's Motion for Relief from Judgment and dismissed as moot his Motion for Appointment of Counsel. On January 15, 2013, this Court also denied his Motion for Reconsideration. Petitioner has since filed an appeal to the Sixth Circuit, and the Sixth Circuit has requested a determination from this Court as to whether Petitioner is entitled to a certificate of appealability.

Petitioner's request for a certificate of appealability will be denied. Under 28 U.S.C. § 2253(c)(2), a certificate of appealability should issue if a petitioner has demonstrated a "substantial showing of a denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Sixth Circuit has disapproved issuance of blanket denials of a certificate of appealability. *Murphy v. Ohio*, 263 F.3d

466 (6th Cir. 2001). Rather, the district court must “engage in a reasoned assessment of each claim” to determine whether a certificate is warranted. *Id.* at 467. Each issue must be considered under the standards set forth by the Supreme Court in *Slack v. McDaniel*, 529 U.S. 473 (2000). *Id.* Consequently, this Court has examined each of Petitioner’s claims under the *Slack* standard. Under *Slack*, 529 U.S. at 484, to warrant a grant of the certificate, “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” The Court finds that reasonable jurists could not find that this Court’s denial of Petitioner’s post-Judgment motions either debatable or wrong. As noted previously by the Court, Petitioner’s untimely motions fail to set forth any meritorious reasons for relief. Therefore,

IT IS HEREBY ORDERED that Petitioner is not entitled to a certificate of appealability.

Dated: April 15, 2013

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge